

108TH CONGRESS
2D SESSION

S. 1727

AN ACT

To authorize additional appropriations for the Reclamation
Safety of Dams Act of 1978.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ADDITIONAL AUTHORIZATION OF APPROPRIA-**
2 **TIONS FOR THE RECLAMATION SAFETY OF**
3 **DAMS ACT OF 1978.**

4 (a) REIMBURSEMENT OF CERTAIN MODIFICATION
5 COSTS.—Section 4(c) of the Reclamation Safety of Dams
6 Act of 1978 (43 U.S.C. 508(c)) is amended by striking
7 “(c) With respect to” and all that follows through “2001”
8 and inserting the following:

9 “(c) REIMBURSEMENT OF CERTAIN MODIFICATION
10 COSTS.—With respect to the additional amounts author-
11 ized to be appropriated by section 5”.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
13 5 of the Reclamation Safety of Dams Act of 1978 (43
14 U.S.C. 509) is amended in the first sentence—

15 (1) by inserting “and, effective October 1,
16 2003, not to exceed an additional \$540,000,000 (Oc-
17 tober 1, 2003, price levels),” after “(October 1,
18 2001, price levels),”; and

19 (2) by striking “\$750,000” and inserting
20 “\$1,250,000 (October 1, 2003, price levels), as ad-
21 justed to reflect any ordinary fluctuations in con-
22 struction costs indicated by applicable engineering
23 cost indexes,”.

24 **SEC. 2. PARTICIPATION BY PROJECT BENEFICIARIES.**

25 (a) COST CONTAINMENT; MODIFICATION STATUS.—
26 Section 4 of the Reclamation Safety of Dams Act of 1978

1 (43 U.S.C. 508) is amended by adding at the end the fol-
2 lowing:

3 “(e)(1) During the construction of the modification,
4 the Secretary shall consider cost containment measures
5 recommended by a project beneficiary that has elected to
6 consult with the Bureau of Reclamation on a modification.

7 “(2) The Secretary shall provide to project bene-
8 ficiaries on a periodic basis notice regarding the costs and
9 status of the modification.”.

10 (b) PROJECT BENEFICIARIES.—The Reclamation
11 Safety of Dams Act of 1978 is amended by inserting after
12 section 5 (43 U.S.C. 509) the following:

13 “SEC. 5A. (a) On identifying a Bureau of Reclama-
14 tion facility for modification, the Secretary shall provide
15 to the project beneficiaries written notice—

16 “(1) describing the need for the modification
17 and the process for identifying and implementing the
18 modification; and

19 “(2) summarizing the administrative and legal
20 requirements relating to the modification.

21 “(b) The Secretary shall—

22 “(1) provide project beneficiaries an oppor-
23 tunity to consult with the Bureau of Reclamation on
24 the planning, design, and construction of the pro-
25 posed modification; and

1 “(2) in consultation with project beneficiaries,
2 develop and provide timeframes for the consultation
3 described in paragraph (1).

4 “(c)(1) Prior to submitting the reports required
5 under section 5, the Secretary shall consider any alter-
6 native submitted in writing, in accordance with the time-
7 frames established under subsection (b), by a project bene-
8 ficiary that has elected to consult with the Bureau of Rec-
9 lamation on a modification.

10 “(2) The Secretary shall provide to the project bene-
11 ficiary a timely written response describing proposed ac-
12 tions, if any, to address the recommendation.

13 “(3) The response of the Secretary shall be included
14 in the reports required by section 5.

15 “(d) The Secretary may waive 1 or more of the re-
16 quirements of subsections (a), (b), and (c), if the Sec-
17 retary determines that implementation of the requirement
18 could have an adverse impact on dam safety or security.”.

Passed the Senate September 15, 2004.

Attest:

Secretary.

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